GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:404
ANSWERED ON:14.03.2012
IRREGULARITIES IN 3G ROAMING
Botcha Lakshmi Smt. Jhansi;Khaire Shri Chandrakant Bhaurao;Patil Shri A.T. Nana;Rao Shri Nama Nageswara;Rathod Shri Ramesh

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether some of the private mobile operators have been reported to violate the terms and conditions of their licenses and providing 3G services where they have not been allocated licenses;

(b) if so, the details thereof, circle-wise and operator-wise;

(c) whether the Government has examined the matter;

(d) if so, the outcome thereof and the action taken by the Government against defaulting operators and also to recover the losses;

(e) whether the security agencies have also raised their concern as they are unable to intercept the services provided by these operators; and

(f) if so, the details thereof and there action of Department of Telecommunications thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA)

(a) & (b) Madam, it came to the notice of the Government that some telecom service providers who do not have 3G spectrum and whose licences have not been amended for use of 3G spectrum are offering 3G services to their customers by entering into the intra service area roaming agreement with the service providers who have 3G spectrum and whose licences have been amended for use of 3G spectrum. The service area wise details of such telecom service providers is attached at Annexure-I.

(c) & (d) The matter has been examined vis-a-vis the terms and conditions of Cellular Mobile Telephone Service (CMTS) Unified Access Service (UAS) licence, terms and conditions of the Notice Inviting Application (NIA) issued for auction of 3G spectrum along with queries & responses issued in this regard and the amendment of license for right to use of 3G spectrum issued to the successful bidders. It has been concluded that provisioning of the 3G services in a particular service area by a telecom service provider without having the 3G spectrum, 3G network and amendment for use of 3G spectrum is not permitted. Accordingly instructions were issued on 23.12.2011 to such telecom service providers for stopping 3G services immediately without prejudice to any other remedy available to the licensor and also to any other actions for the breach of any of the conditions of the CMTS/UAS license agreements signed with the telecom service providers. These telecom service providers have filed petitions in Hon'ble Telecom Dispute Settlement & Appellate Tribunal (TDSAT) against the instructions issued on 23.12.2011 and on 24.12.2011, Hon'ble TDSAT has ordered that DoT may not take any coercive action for enforcing the impugned order dated 23.12.2011. The matter is subjudice.

(e) & (f) The information is being collected.